

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**JOHN B. TERRELL**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:04cv537LN**

**MALCOLM MCMILLIN, CARL  
MEDLOCK, WILLIE JOHNSON  
and RUTH WYATT**

**DEFENDANT**

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**ORDER**

This matter came before the court on a *sua sponte* review of the docket, which indicated that the Plaintiff had filed a Motion for Production of Medical Records and Documents on August 9, 2005, and that Motion remains pending. It is too early for the court to order that any documents be produced, because, as of this time, no Defendants appear to have been served with process. Therefore, this Motion must be denied.

The court earlier withdrew a recommendation that this matter be dismissed for failure to prosecute and ordered that summonses be re-issued to the Plaintiff. Since the Plaintiff is not proceeding *in forma pauperis*, he must arrange for the summons and Complaint to be served on each Defendant. After that is done, the Plaintiff must return a copy to the court showing that the Defendants have been properly served. The Defendants cannot answer the Complaint, and this matter cannot proceed, until that happens.

After the Defendants answer the Complaint, the court will schedule a hearing for the Plaintiff to explain his case in person. At that hearing, the court will determine what documents he needs to prove his claims, and the court will order the Defendants to produce these documents. Again, none of this can occur until the Plaintiff has arranged for the Defendants to be served. By this Order, the

court will set a date by which the Plaintiff must show that he has served the Defendants. If service has not been completed by that date, the court will dismiss this matter.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Production of Medical Records and Documents is hereby **denied**.

IT IS FURTHER ORDERED that the Plaintiff return a copy of the summonses issued in this matter, showing that service has been made on the Defendants, on or before March 31, 2006. Failure to do so will result in a recommendation that this matter be dismissed.

This the 15th day of February, 2006.

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S/Alfred G. Nicols, Jr.  
UNITED STATES MAGISTRATE JUDGE